

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GERALD ERWIN, et al.,

Plaintiffs,

V.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 2:15-cv-01396

ORDER

Plaintiffs failed to have default entered before filing for default judgment. Plaintiffs failed to meet and confer with opposing counsel before filing for default judgment. There is no reason why plaintiffs would have entered into the stipulation in good faith had they not intended to allow any response to the complaint as provided by the rules, including the filing of a motion to dismiss. Finally, the stipulation twice speaks in terms of a “response” to the complaint—in the caption and at paragraph 6. The term “responsive pleading” in the stipulation is unreasonably limiting to the efficiency of the litigation and to defendant’s array of choices in which to seek disposition of the controversy. Accordingly,

THE COURT HEREBY ORDERS that defendant's motion to strike motion for default judgment (#15) is GRANTED.

DATED this 21 day of September, 2015.


Lloyd D. George
United States District Judge